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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3037 OF 2023

The Principal Secretary
Urban Development Department ...Petitioner
Versus
Maharashtra State Human Rights Commission ...Respondent

Mr AI Patel, Addl GP, with Hemant Haryan, AGP, for the
Petitioner-State.

CORAM: G.S. Patel &
Neela Gokhale, JJ.
DATED: 8th March 2023

PC:-

1. The Writ Petition is by the Principal Secretary, Urban Development Department, Mantralaya, Mumbai and is directed against the Maharashtra State Human Rights Commission through its Registrar.

2. Mr Patel seeks leave to amend to challenge a subsequent order of 17th February 2023 received on 4th March 2023. A copy of this order has been placed in a further affidavit of Mr Shankar Jadhav, Deputy Secretary Urban Development Department, Mantralaya, Mumbai. That Additional Affidavit dated 6th March 2023 is to be filed in the registry. We grant Mr Patel leave to amend

without need of re-verification. Amendment to be carried out by 13th March 2023. A copy of the amended Petition is to be served on the Respondent by 14th March 2023.

3. It appears that the Respondent Commission *suo motu* initiated case no. 3524/13/16/2022. This apparently related to the nonrenewal of the lease of the Mumbai Racecourse land. The land, which is substantial, was given to the Royal Western India Turf Club (“RWITC”) on a lease. The initial lease of May 1994 is said to have ended on 31st May 2013, which was apparently not renewed thereafter. It appears from a copy of the 8th September 2022 order at page 26 that the Respondent Commission took this up as a *suo motu* case on the basis of a news item in a Marathi newspaper of 7th September 2022.

4. By the presently proposed impugned order of 17th February 2023, a copy of which is at pages 172 to 191 of the Additional Affidavit filed by Mr Shankar Jadhav, the Respondent Commission has allowed an adjournment application but on payment of costs of Rs.10,000/- into the Chief Minister’s Relief Fund by all the Respondents. (Previously too costs of Rs.10,000/- were imposed on 15th December 2022 and these were paid.) The Respondents in question were the Chief Secretary, State of Maharashtra, the Additional Chief Secretary Revenue, the Municipal Commissioner of the Municipal Corporation of Greater Mumbai and the Principal Secretary, Urban Development Department, Mantralaya, Mumbai. It appears that the amounts awarded as costs against the Respondents are to be paid by 10th March 2023.

5. Mr Patel on behalf of the Petitioner submits that it is entirely unclear how a contractual matter between the State Government or the MCGM and the RWITC could ever lie within the jurisdictional remit of the Maharashtra State Human Rights Commission, let alone as a *suo motu* action. His submission is that the nonrenewal of the lease or otherwise or any alleged financial loss (and which is not admitted) does not in and of itself confer jurisdiction on the Human Rights Commission.

6. We will hear the submissions more fully at the later date. However, in the meantime, we are *prima facie* unable to see how such an action is maintainable before the State Human Rights Commission or how it could have been initiated *suo motu*. We therefore grant ad-interim relief in terms of prayer clause (B) until the next date. The prayer reads as follows:

“B. Pending the hearing and final disposal of this Petition, further enquiry, investigation or hearing of proceedings in KKT/*Suo Motu*, Case No. 3524/13/16/2022 pending before the Respondent No.1, Commission be stayed until further orders of this Honourable Court.”

7. Given the parties involved and the issue taken up, we list the matter on 15th March 2023 high on board. This order will continue until that date.

(Dr Neela Gokhale, J)

(G. S. Patel, J)